

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MARRIOTT INTERNATIONAL, INC.,

Plaintiff,

v.

DYNASTY MARKETING GROUP, LLC,
et al.,

Defendants.

Civil Action No. 1:21-cv-00610-AJT/JFA

CONSENT ORDER

Plaintiff Marriott International, Inc. (“Marriott”) and Defendant Rapid Eagle Inc. d/b/a VoIP Essential (“VoIP Essential,” which shall include any affiliates thereof) (collectively, “Parties”), by counsel, submit this Consent Order for entry by the Court. Upon the stipulation of the Parties and agreement to the terms of a separate confidential settlement agreement supported by this Consent Order, and for good cause shown, it is hereby:

ORDERED that VoIP Essential will: (1) not use Marriott’s name and/or trademarks, as listed on Exhibit A hereto; (2) not knowingly or consciously avoid knowing that it is providing its services to any third party that it knows or should know engaged in the unauthorized use of Marriott’s name and/or trademarks; (3) ensure that it does not obtain the benefit of others’ unauthorized use of Marriott’s name and/or trademarks upon learning of such unauthorized use or obtaining information indicative of such unauthorized use; (4) consistent with a mitigation plan approved by Marriott, take affirmative and effective measures to prevent new and renewing customers from using its network to originate calls using Marriott’s name and/or trademarks; and

(5) within five (5) days of learning of others' use of Marriott's name and/or trademarks via VoIP Essential's services, will report any and all details related to such use of Marriott's name and/or trademarks to Marriott's counsel including, without limitation, all information concerning the originators of such uses; and it is further

ORDERED that VoIP Essential will: (1) cooperate fully with Marriott in its prosecution of this case; and (2) provide assistance as requested by Marriott in its prosecution of this action, including but not limited to providing: (i) information and documents related to Marriott's allegations; (ii) full and complete responses and documents as requested in Marriott's written discovery; (iii) CDRs associated with calls originated by Dynasty Marketing Group LLC (whether provided by Rapid Eagle or its soft switch provider); (iv) communications regarding the calls; and (v) truthful testimony without subpoena if requested by Marriott; and it is further

ORDERED that VoIP Essential will comply with a mitigation plan that has been approved by Marriott to prevent new and renewing customers from using its network to originate the offending calls using Marriott's name and/or trademarks; and it is further

ORDERED that, for the purposes of enforcement of this Consent Order, for a period of three years from the entry of this Order, VoIP Essential confirms the jurisdiction of the Eastern District of Virginia and its enforcement powers (by contempt or otherwise) over this Order, and if VoIP Essential does not comply with this Order, as a measure of the actual and/or statutory damages that Marriott alleges it would be entitled to in the event of such non-compliance, VoIP Essential shall pay to Marriott liquidated damages in the amount of \$25,000 for the first breach, \$50,000 for the second breach, and \$100,000 for each subsequent breach, each of which shall be payable to Marriott fourteen (14) days after this Court finds VoIP Essential in violation of this

Order upon motion or rule by Marriott and an opportunity for VoIP Essential to be heard; and it is further

ORDERED that the claims in the Litigation against VoIP Essential shall be, and hereby are, dismissed with prejudice, subject to this Court's continuing jurisdiction to enforce the terms of this Consent Order.

SO ORDERED this ____ day of October, 2022.

The Honorable Anthony J. Trenga
United States District Judge

AGREED:



Attison L. Barnes, III (VA Bar No. 30458)
David E. Weslow (for *pro hac vice*)
Kevin G. Rupy (for *pro hac vice*)
Duane C. Pozza (for *pro hac vice*)
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*Counsel for Defendant
Rapid Eagle, Inc.*

Sean Medhi
Rapid Eagle Inc. d/b/a VoIP Essential

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